

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment            )   **FINAL ORDER**  
T-10756, Umatilla County                    )   APPROVING AN ADDITIONAL POINT  
  )   OF APPROPRIATION

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

Paul Zehr  
1206 Jacqueline Street  
Milton-Freewater, Oregon 97862

**Findings of Fact**

**Background**

1. On December 22, 2008, Paul Zehr filed an application for an additional point of appropriation under Permit G-13451. The Department assigned the application number T-10756.
2. The portion of the permit to be amended is as follows:
  - Permit:** G-13451 in the name of Paul Zehr
  - Use:** Supplemental irrigation of 8.59 acres
  - Priority Date:** June 23, 1995
  - Quantity:** 0.11 cubic foot per second
  - Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
  - Period of Use:** March 1 through October 31
  - Source:** A well within the Pine Creek Basin

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	NW SW	955 feet South and 970 feet East from the W¼ Corner of Section 34

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	34	NW SW	8.59

3. Permit Amendment Application T-10756 proposes an additional point of appropriation approximately 210 feet East from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	NW SW	930 feet South and 1212 feet East from the W¼ Corner of Section 34

4. Notice of the application for the permit amendment was published in the Department’s weekly notice on January 13, 2009 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

***Permit Amendment Review Criteria***

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

**Conclusions of Law**

The additional point of appropriation proposed by Permit Amendment Application T-10756 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13451 remain the same.
5. The portion of Permit G-13451, in the name of Paul Zehr, is amended as described herein.

Dated at Salem, Oregon this 15<sup>th</sup> day of April, 2009.

*William E. Farber*  
R- Phillip C. Ward, Director

Mailing Date: APR 17 2009